

Notice of Allowability

Application No.

09/779,613

Examiner

Daniel L. Greene

Applicant(s)

OSTROFF, MAURICE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/27/2005.
2. ☒ The allowed claim(s) is/are 1-19 and 22.
3. ☒ The drawings filed on 21 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION
ELECTION/RESTRICTION

1. Applicant's election of Claims 1-19 and 22 in the reply filed on 4/27/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

EXAMINER'S AMENDMENT

2. This application is in condition for allowance except for the presence of claims 20 and 21 to an invention non-elected without traverse. Accordingly, claims 20 and 21 have been cancelled.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

As per claims 1 and 22, the closest prior art of record **Chaum U.S. Patent 4,529,870** discloses the use of a "credit card" calculator that provides four functions consisting of Identification, Payment Transactions, Deposit transactions and Credential transaction. Chaum's invention is directed toward the manipulation of data. Taken either individually or in combination with other prior art of record fails to teach or suggest a card containing a program which upon the activation of said card causes a display on a computer screen for login, entering the appropriate password causes a second login window to appear, entering the required information in the second login window creates a unique one-time transactional number, the unique one-time transactional number to

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be used as a surrogate card number in lieu of a regular card number, communicating the one-time transactional number to a vendor in any manner not involving the internet, and or disconnecting the card and communicating the one-time transactional number to the vendor over the internet and the authorizing of the transaction

The specific allowable feature, which distinguishes the present invention over the prior art is the combination of a financial institution providing a user with a portable, digitally recordable medium that transfers code to a compatible computer that is an executable program for generating a surrogate one-time use card number for conducting transaction on or off the internet.

As per claims 1 and 22, the second closest prior art of record is **Doggett et al. U.S. Patent 5,677,955, which** discloses the use of portable token such as a smart card or smart disk. Doggett's invention is also limited to only transferring data. Taken either individually or in combination with other prior art of record fails to teach or suggest a card containing a program which upon the activation of said card causes a display on a computer screen for login, entering the appropriate password causes a second login window to appear, entering the required information in the second login window creates a unique one-time transactional number, the unique one-time transactional number to be used as a surrogate card number in lieu of a regular card number, communicating the one-time transactional number to a vendor in any manner not involving the internet, and or disconnecting the card and communicating the one-time transactional number to the vendor over the internet and the authorizing of the transaction

The specific allowable feature, which distinguishes the present invention over the prior art is the combination of a financial institution providing a user with a portable, digitally recordable medium that transfers code to a compatible computer that is an executable program for generating a surrogate one-time use card number for conducting transaction on or off the internet.

As per claims 1 and 22, the third closest prior art of record is **Flitcroft et al. U.S. Patent 6,636,833**, which discloses the use of single use credit cards. Taken either individually or in combination with other prior art of record fails to teach or suggest a card containing a program which upon the activation of said card causes a display on a computer screen for login, entering the appropriate password causes a second login window to appear, entering the required information in the second login window creates a unique one-time transactional number, the unique one-time transactional number to be used as a surrogate card number in lieu of a regular card number, communicating the one-time transactional number to a vendor in any manner not involving the internet, and or disconnecting the card and communicating the one-time transactional number to the vendor over the internet and the authorizing of the transaction

The specific allowable feature, which distinguishes the present invention over the prior art is the combination of a financial institution providing a user with a portable, digitally recordable medium that transfers code to a compatible computer that is an executable program for generating a surrogate one-time use card number for conducting transaction on or off the internet.

As per claims 1 and 22, the third closest prior art of record is **Franklin et al. U.S. Patent 6,000,832**, which discloses the use of proxy transaction numbers for a regular card number. Taken either individually or in combination with other prior art of record fails to teach or suggest a card containing a program which upon the activation of said card causes a display on a computer screen for login, entering the appropriate password causes a second login window to appear, entering the required information in the second login window creates a unique one-time transactional number, the unique one-time transactional number to be used as a surrogate card number in lieu of a regular card number, communicating the one-time transactional number to a vendor in any manner not involving the internet, and or disconnecting the card and communicating the one-time transactional number to the vendor over the internet and the authorizing of the transaction

The specific allowable feature, which distinguishes the present invention over the prior art is the combination of a financial institution providing a user with a portable, digitally recordable medium that transfers code to a compatible computer that is an executable program for generating a surrogate one-time use card number for conducting transaction on or off the internet.

As per claims 1 and 22, the fourth closest prior art of record **Chaum U.S. Patent 4,926,480** discloses the use of a card-computer. This invention also only manipulates data and does not provide for the transfer of computer code. Taken either individually or in combination with other prior art of record fails to teach or suggest a card containing a program which upon the activation of said card causes a display on a computer screen

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for login, entering the appropriate password causes a second login window to appear, entering the required information in the second login window creates a unique one-time transactional number, the unique one-time transactional number to be used as a surrogate card number in lieu of a regular card number, communicating the one-time transactional number to a vendor in any manner not involving the internet, and or disconnecting the card and communicating the one-time transactional number to the vendor over the internet and the authorizing of the transaction

The specific allowable feature, which distinguishes the present invention over the prior art is the combination of a financial institution providing a user with a portable, digitally recordable medium that transfers code to a compatible computer that is an executable program for generating a surrogate one-time use card number for conducting transaction on or off the internet.

As per claims 1 and 22, the fifth closest prior art of record **Lloyd et al. U.S. Patent 6,884,172** discloses the use of a portable device that provides video interface for a computer based electronic gaming system. The input devices 102 may include a keyboard and/or a pointing device such as a mouse. Other input devices are possible such as a microphone, joystick, pen, game pad, scanner, and the like. The data storage devices 104 may include any type of computer-readable media that can store data accessible by the computer 100, such as magnetic hard and floppy disk drives, optical disk drives, magnetic cassettes, flash memory cards, digital video disks (DVDs), Bernoulli cartridges, RAMs, ROMs, smart cards, etc. Indeed, any medium for storing or transmitting computer-readable instructions and data may be employed, including a

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connection port to a network such as a local area network (LAN), wide area network (WAN) or the Internet (not shown in FIG. 1). Lloyd does not disclose or provide the motivation for a card containing a program which upon the activation of said card causes a display on a computer screen for login, entering the appropriate password causes a second login window to appear, entering the required information in the second login window creates a unique one-time transactional number, the unique one-time transactional number to be used as a surrogate card number in lieu of a regular card number, communicating the one-time transactional number to a vendor in any manner not involving the internet, and or disconnecting the card and communicating the one-time transactional number to the vendor over the internet and the authorizing of the transaction

The specific allowable feature, which distinguishes the present invention over the prior art is the combination of a financial institution providing a user with a portable, digitally recordable medium that transfers code to a compatible computer that is an executable program for generating a surrogate one-time use card number for conducting transaction on or off the internet.

Claims 2-19 are dependent upon Claim 1 and thus has all the limitations of claim 1 and is allowable for that reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
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6/29/2005


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